

## **REMARKS/ARGUMENTS**

### **STATUS OF THE CLAIMS**

Claims 1-8, 10-14, 16-29, 31-33, 35, 37-39, and 85-93 are pending with entry of this amendment. Claims 9, 15, 30, 34, 36, 40-71, 84, and 94-119 are canceled, and claims 72-83 are withdrawn. In addition, claims 1, 10, 12-14, 16, 21-24, 35, 37, 38, and 89 are amended, and claim 85 was previously presented.

These clarifying amendments introduce no new matter and support is replete throughout the specification as originally filed. To illustrate, exemplary support for these amendments is found in, e.g., Figures 1, 2, 4, 5, and 9, and ¶ 68. For the Examiner's convenience, an unmarked courtesy copy of the pending claims is provided herewith.

These amendments are made without prejudice and are not to be construed as an abandonment of the previously claimed subject matter or agreement with any objection or rejection of record. Applicants respectfully request that all of these amendments be entered.

### **RECORD OF INTERVIEW SUBSTANCE**

The Applicants provide herewith the following interview summary to be made of record with respect to the subject application. The Applicants thank the Examiner for the helpful interview (hereinafter, Interview). The substance of the Interview was as follows:

Participants: Natalia A. Levkovich (Examiner) and Chris Sappenfield (Attorney)

Date of Interview: June 14, 2007

Interview Type: Telephonic

Exhibit Shown or Demonstration Conducted: None

Claims Discussed: The independent claims of record

Art Discussed: The art of record

Agreement with Respect to the Claims Discussed: The Examiner agreed to consider the claims as amended herein and Applicants' arguments.

Identification of Principal Proposed Amendments of a Substantive Nature Discussed: To overcome the obviousness rejections of record, discussed amending the claims to further clarify and specify that the band and lids include hinge and latch components, and that the band is disposed around the reaction block in the recessed regions, unlike the cited art. Also discussed further clarifying the claims to overcome the indefiniteness rejections.

General Thrust of the Applicants' Principal Arguments: The art of record, whether considered individually or in combination, fails to teach or suggest all of the limitations of any claim presented herein.

General Indication of Any Other Pertinent Matters Discussed: Not applicable

General Results or Outcome of the Interview: The Examiner agreed to consider the claims as amended and the remarks presented herein.

### **35 U.S.C. § 112**

The Action rejects claims 1-8, 10-29, 31-33, 35-39, and 85-101 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

More specifically, the Action alleges that claim 1 is indefinite for reciting the phrases "substantially continuous recessed region" and "when the parallel reaction device comprises the bottom gasket". Although Applicants respectfully do not concede that either of these phrases is indefinite, in an effort to expedite prosecution of this application, Applicants have amended claim 1 herein such that it no longer recites these phrases. The Action also referred to claims 35 and 36 on similar grounds. Applicants have deleted the phrase "substantially continuous" from claim 35 and canceled claim 36. The Action does not specifically address any other claims that depend from claim 1. Accordingly, in view of these clarifying amendments, Applicants respectfully request that all rejections pertaining to claim 1 and any of its dependent claims be withdrawn.

The Action also alleges that independent claim 85 is indefinite for reciting the phrase “a band that comprises one or more band portions”. Applicants respectfully submit that this phrase is clear as written. For example, as discussed during the helpful Interview, Figures 5A-C clearly depict an exemplary embodiment of a band (band 500) comprising one or more band portions, namely, first band portion 502 and second band portion 504. *See also*, the corresponding discussion of these Figures in paragraph number 73. The Action does not specifically address any other claims that depend from claim 85. Therefore, since the meaning of this phrase is definite as written, Applicants respectfully request that all rejections pertaining to claim 85 and any of its dependent claims be withdrawn.

Applicants have canceled claims 94-101. Accordingly, the rejections relating to these claims are moot.

### **35 U.S.C. § 103**

The Action rejects various claims as allegedly being obvious under 35 U.S.C. § 103, namely, claims 1, 2, 6-8, 10-29, 31-33, 35-39, and 85-109 over U.S. Pat. No. 6,054,100 to Stanchfield et al. (hereinafter, Stanchfield) in view of U.S. Pat. No. 5,516,490 to Sanadi (hereinafter, Sanadi), claim 3 over Stanchfield and Sanadi in view of U.S. Pat. No. 5,770,157 to Cargill et al. (hereinafter, Cargill), and claims 4 and 5 over Stanchfield and Sanadi in view of U.S. Pat. No. 6,413,780 to Bach et al. (hereinafter, Bach). Applicants respectfully traverse these rejections for the reasons specified below.

### **Claims 1, 2, 6-8, 10-29, 31-33, 35-39, and 85-109 are not obvious over Stanchfield in view of Sanadi**

One of the basic requirements of a *prima facie* case of obviousness is that the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See, e.g.*, M.P.E.P. § 2143. Applicants respectfully submit that Stanchfield and Sanadi fail to teach or suggest all of the limitations of any of these rejected claims as further clarified herein for the reasons stated below.

Claim 1 is one of the four independent claims among these rejected claims. As amended, claim 1 relates to a parallel reaction device that includes a reaction block having recessed regions disposed on at least two of its sides and a band disposed around the reaction block. As further clarified herein, the band is retained on the reaction block within

the recessed regions. The band comprises hinge and latch components. The parallel reaction device also includes top and bottom lids that each include hinge and latch components that engage the corresponding hinge and latch components on the band.

As discussed during the helpful Interview, Stanchfield and Sanadi, whether viewed individually or in combination, do not teach all of the limitations of claim 1 as amended. To illustrate, neither of these publications teach or suggests reaction blocks that include recessed regions in which bands are disposed around the blocks and retained on the blocks within those regions. Instead, Stanchfield describes a synthesis block (12) that includes a laterally protruding skirt (26). *See*, Figures 1 and 3, and the text in column 7 at lines 8-15 in Stanchfield. Further, the laterally protruding skirt (26) of Stanchfield includes grooves or cutouts (37) (*see*, Figure 1 and the text in column 7, line 27 in Stanchfield), which the Action refers to as “continuous recesses 37” (*see*, Action at page 3). These cutouts (37) are structured to engage portions of clips (clips 66 and 68) in order to attach upper cover (14) and lower cover (16) to synthesis block (12). *See*, Figure 2 of Stanchfield. Thus, Stanchfield fails to teach the recessed regions of the reaction blocks or the bands disposed and retained within those regions as claimed. Sanadi also fails to teach these claim limitations. Instead, the text cited in Sanadi appears to essentially only describe a multi-well plate and a lid.

In addition, neither Stanchfield nor Sanadi teach or suggest a band and lids comprising hinge and latch components that engage one another as recited in claim 1. As discussed above, the apparatus described in the cited passages from Stanchfield only include upper cover (14) and lower cover (16) having clips (clips 66 or 68) that engage cutouts (37) in synthesis block (12). Accordingly, Applicants respectfully submit that this description fails to teach the claimed device, which requires both the lids and a band to have corresponding hinge and latch components that are configured to engage one another. Similarly, Sanadi also fails to teach or suggest a device having these features.

Since Stanchfield and Sanadi, considered together or individually, do not teach or suggest a device having a band retained within recessed regions of a reaction block as claimed, or a band and lids each having corresponding and engaging hinge and latch components as also claimed, the Action fails to establish a *prima facie* case of obviousness with respect to claim 1. Thus, all claims that depend from claim 1 are also necessarily non-

obvious over this cited art. Accordingly, Applicants respectfully request that all of these rejections be withdrawn.

The Action also rejects independent claim 85 as allegedly being obvious over Stanchfield and Sanadi. Claim 85 recites a reaction block container that includes a band having hinge and latch components. The reaction block container also includes top and bottom lids that each include hinge and latch components that engage the corresponding hinge and latch components on the band. As discussed during the helpful Interview, Figure 9 of the subject application schematically illustrates one embodiment of such a device.

For the reasons stated above with respect to claim 1, Stanchfield and Sanadi, whether considered individually or in combination, fail to teach or suggest the claimed device that includes a band and lids each having corresponding hinge and latch components that are configured to engage one another. Therefore, the Action also fails to establish a *prima facie* case of obviousness with respect to claim 85. Since this independent claim is also non-obvious over Stanchfield and Sanadi, all of its dependent claims must also be non-obvious over this cited art.

The remaining independent claims in this set of rejected claims, namely, claims 94 and 102, as well as all of their respective dependent claims have herein been canceled without prejudice. Accordingly, all of these rejections are now moot.

**Claim 3 is not obvious over Stanchfield and Sanadi in view of Cargill**

For the reasons specified above, claim 1 is not obvious over Stanchfield and Sanadi. Cargill does not teach or suggest the missing limitations discussed above. Further, even if Stanchfield, Sanadi, and Cargill were combined, they would still not teach or suggest all of the limitations of claim 1. Therefore, dependent claim 3 is necessarily non-obvious over this cited art. Accordingly, Applicants respectfully request that this rejection be withdrawn.

**Claims 4 and 5 are not obvious over Stanchfield and Sanadi in view of Bach**

For the reasons specified above, claim 1 is not obvious over Stanchfield and Sanadi. Bach does not teach or suggest the missing limitations discussed above. Further, even if Stanchfield, Sanadi, and Bach were combined, they would still not teach or suggest

all of the limitations of claim 1. Therefore, dependent claims 4 and 5 are necessarily non-obvious over this cited art. Accordingly, Applicants respectfully request that all of these rejections be withdrawn.

### **CONCLUSION**

In view of the foregoing, the Applicants believe that, with entry of these amendments, all claims of the subject application are in a condition for allowance. Applicants respectfully request such entry and the issuance of a formal notice of allowance at an early date.

If the Examiner believes a telephone conference would be of further assistance, please telephone the undersigned at the number indicated below.

In the event that the U.S. Patent and Trademark Office determines that further extensions and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 50-1885 referencing docket No. P1027US01.

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Respectfully submitted,  
  
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